

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION  
Civ. No. 4:14-CV-00075-FL

WILLIAM KERRY WADE, )  
Plaintiff, )  
v. ) ORDER  
CAROLYN W. COLVIN, )  
Acting Commissioner of Social Security, )  
Defendant. )

Plaintiff's counsel filed a motion for approval of attorney's fees under section 206(b) of the Social Security Act (Act) in the amount of \$14,000.00. Attorney's fees under section 206(b) of the Act are paid from past-due benefits awarded to a successful claimant. 42 U.S.C. § 406(b). The fee request is in addition to the \$2,566.97 in fees awarded by this Court under the Equal Access to Justice Act (EAJA) (Doc. No. 33).

Defendant filed a reply to the motion noting that under *Gisbrecht v. Barnhart*, 535 U.S. 789 (2002), it is the duty of the Court to determine a reasonable fee.

It is ORDERED that Plaintiff's counsel be awarded fees under 42 U.S.C. § 406(b) in the amount of \$ 14,000.00, and ordered to refund to Plaintiff the smaller award between this amount and the EAJA award..

SO ORDERED this 23rd day of August, 2016.

Louise W. Flanagan  
LOUISE W. FLANAGAN  
United States District Judge